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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA
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12 DAMIEN DARNELL HARRIS,

13 Plaintiff,

14 v.

15 MIKE OBENLAND,

16 Defendant.

17 CASE NO. 3:15-cv-05191-RJB

18 ORDER ON PETITIONER'S
19 MOTION TO COMPEL,
20 PETITIONER'S MOTION TO
21 EXPAND RECORD, PETITIONER'S
22 SECOND MOTION TO EXPAND
23 THE RECORD; AND
24 PETITIONER'S MOTION TO
 APPOINT COUNSEL

25 THESE MATTERS come before the Court on Petitioner's Motion to Compel (Dkt. 42),
26 Petitioner's Motion to Expand Record (Dkt. 46), Petitioner's Second Motion to Expand Record
27 (Dkt. 50), and Petitioner's Motion to Appoint Counsel (Dkt. 49). The Court has considered the
28 pleadings and the remainder of the file herein.

29 (1) Petitioner's Motion to Compel (Dkt. 42)

30 Petitioner seeks 8 "Attachment/Exhibits," that should be compelled "if and when it is
31 needed by the Court to determine this case[.]" Dkt. 42, at 1. Upon review of the 8 documents
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33 ORDER ON PETITIONER'S MOTION TO
34 COMPEL, PETITIONER'S MOTION TO EXPAND
35 RECORD, PETITIONER'S SECOND MOTION TO
36 EXPAND THE RECORD; AND PETITIONER'S
37 MOTION TO APPOINT COUNSEL- 1

1 Petitioner refers to, the Court sees no clear, articulable need for these documents, so this motion
2 should be denied.

3 (2) Petitioner's Motion to Expand Record (Dkt. 46)

4 Petitioner seeks to expand the record “by submitting trial counsels motions to suppress
5 search warrant 08-158 (safe deposit box)[sic].” Dkt. 46, at 1. According to Petitioner, the
6 Respondent and the Magistrate Judge incorrectly confuse two warrants, Warrant 08-148 and
7 Warrant 08-152, and Petitioner believes that expanding the record will resolve the confusion.

8 The Court will address Petitioner’s concern in its Order on Report and Recommendation.

9 (3) Petitioner's Second Motion to Expand Record (Dkt. 50)

10 Petitioner seeks to expand the record “with trial counsel’s motions for a franks hearing
11 and motion for suppression[sic].” Dkt. 50, at 1. The Court will address Petitioner’s concern in its
12 Order on Report and Recommendation.

13 (4) Petitioner's Motion to Appoint Counsel (Dkt. 49)

14 Petitioner requests counsel to represent him because “Petitioner feels he will not get a fair
15 assessment of his search warrant argument.” Dkt. 49, at 5. Petitioner appears frustrated that both
16 the Magistrate Judge and the Respondent “mix[ed] up the search warrants at issue,” conflating
17 proceedings for Warrant 08-152 with proceedings for Warrant 08-158. The Court will address
18 Petitioner’s concern in its Order on Report and Recommendation.

19 Petitioner also requests counsel “should the District Court deny this petition,” but the
20 proceedings in this case are still pending, so the case is not yet before the Ninth Circuit. Even if
21 the proceedings in this case were not still pending, whether Petitioner should be given counsel
22 for a Ninth Circuit appeal is not an issue properly raised before this Court.

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24 ORDER ON PETITIONER'S MOTION TO
COMPEL, PETITIONER'S MOTION TO EXPAND
RECORD, PETITIONER'S SECOND MOTION TO
EXPAND THE RECORD; AND PETITIONER'S
MOTION TO APPOINT COUNSEL- 2

1 THEREFORE, Petitioner's Motion to Compel (Dkt. 42) is DENIED.

2 Petitioner's Motion to Expand the Record (Dkt. 46) is DENIED.

3 Petitioner's Second Motion to Expand the Record (Dkt. 50) is DENIED.

4 Petitioner's Motion to Appoint Counsel (Dkt. 49) is DENIED.

5 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
6 to any party appearing *pro se* at said party's last known address.

7 Dated this 18th day of February, 2016.

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10 ROBERT J. BRYAN
United States District Judge